

§ 922.73

(5) Disturbing seabirds or marine mammals by flying motorized aircraft at less than 1000 feet over the waters within one NM of any Island except:

- (i) For enforcement purposes;
- (ii) To engage in kelp bed surveys; or
- (iii) To transport persons or supplies to or from an Island.

(6) Removing or damaging any historical or cultural resource.

(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to the prohibitions in this section. The exemption of additional activities having significant impact shall be determined in consultation between the Director and the Department of Defense.

[60 FR 66877, Dec. 27, 1995. Redesignated at 72 FR 29232, May 24, 2007]

§ 922.73 Marine reserves and marine conservation area.

(a) *Marine reserves.* Unless prohibited by 50 CFR part 660 (Fisheries off West Coast States), the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within a marine reserve described in appendix B to this subpart:

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, including living or dead organisms or historical resources, or attempting any of these activities.

(2) Possessing fishing gear on board a vessel unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, including living or dead organisms or historical resources, except legally harvested fish on board a vessel at anchor or in transit.

(b) *Marine conservation area.* Unless prohibited by 50 CFR part 660 (Fisheries off West Coast States), the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within the marine conservation area described in appendix C to this subpart:

(1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, including living or dead organisms or historical resources, or at-

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tempting any of these activities, except:

(i) Recreational fishing for pelagic finfish; or

(ii) Commercial and recreational fishing for lobster.

(2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for lobster or pelagic finfish, unless such gear is stowed and not available for immediate use.

(3) Possessing any Sanctuary resource, including living or dead organisms or historical resources, except legally harvested fish.

[72 FR 29232, May 24, 2007]

§ 922.74 Permit procedures and criteria.

(a) Any person in possession of a valid permit issued by the Director in accordance with this section and § 922.48 may conduct any activity within the Sanctuary prohibited under § 922.72 or § 922.73 if such activity is either:

(1) Research related to the resources of the Sanctuary,

(2) To further the educational value of the Sanctuary; or

(3) For salvage or recovery operations.

(b) Permit applications shall be addressed to: Director, Office of Ocean and Coastal Resource Management, ATTN: Manager, Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109.

(c) In considering whether to grant a permit the Director shall evaluate such matters as:

(1) The general professional, and financial responsibility of the applicant;

(2) The appropriateness of the methods envisioned to the purpose(s) of the activity;

(3) The extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, or as a source of educational or scientific information;

(4) The end value of the activity and

(5) Such other matters as may be deemed appropriate.

(d) The Director may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity.

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Any information obtained shall be available to the public.

[60 FR 66877, Dec. 27, 1995. Redesignated and amended at 72 FR 29232, 29233, May 24, 2007]

APPENDIX A TO SUBPART G OF PART 922—CHANNEL ISLANDS NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude (N)	Longitude (W)
1	33.94138	– 119.27422
2	33.96776	– 119.25010
3	34.02607	– 119.23642
4	34.07339	– 119.25686
5	34.10185	– 119.29178
6	34.11523	– 119.33040
7	34.11611	– 119.39120
8	34.11434	– 119.40212
9	34.11712	– 119.42896
10	34.11664	– 119.44844
11	34.13389	– 119.48081
12	34.13825	– 119.49198
13	34.14784	– 119.51194
14	34.15086	– 119.54670
15	34.15450	– 119.54670
16	34.15450	– 119.59170
17	34.15142	– 119.61254
18	34.13411	– 119.66024
19	34.14635	– 119.69780
20	34.15988	– 119.76688
21	34.15906	– 119.77800
22	34.15928	– 119.79327
23	34.16213	– 119.80347
24	34.16962	– 119.83643
25	34.17266	– 119.85240
26	34.17588	– 119.88903
27	34.17682	– 119.93357
28	34.17258	– 119.95830
29	34.13535	– 120.01964
30	34.13698	– 120.04206
31	34.12994	– 120.08582
32	34.12481	– 120.11104
33	34.12519	– 120.16076
34	34.11008	– 120.21190
35	34.11128	– 120.22707
36	34.13632	– 120.25292
37	34.15341	– 120.28627
38	34.16408	– 120.29310
39	34.17704	– 120.30670
40	34.20492	– 120.30670
41	34.20492	– 120.38830
42	34.20707	– 120.41801
43	34.20520	– 120.42859
44	34.19254	– 120.46041
45	34.20540	– 120.50728
46	34.20486	– 120.53987
47	34.18182	– 120.60041
48	34.10208	– 120.64208
49	34.08151	– 120.63894
50	34.05848	– 120.62862
51	34.01940	– 120.58567
52	34.01349	– 120.57464
53	33.98698	– 120.56582
54	33.95039	– 120.53282
55	33.92694	– 120.46132
56	33.92501	– 120.42170
57	33.91403	– 120.37585

Point	Latitude (N)	Longitude (W)
58	33.91712	– 120.32506
59	33.90956	– 120.30857
60	33.88976	– 120.29540
61	33.84444	– 120.25482
62	33.83146	– 120.22927
63	33.81763	– 120.20284
64	33.81003	– 120.18731
65	33.79425	– 120.13422
66	33.79379	– 120.10207
67	33.79983	– 120.06995
68	33.81076	– 120.04351
69	33.81450	– 120.03158
70	33.84125	– 119.96508
71	33.84865	– 119.92316
72	33.86993	– 119.88330
73	33.86195	– 119.88330
74	33.86195	– 119.80000
75	33.86110	– 119.79017
76	33.86351	– 119.77130
77	33.85995	– 119.74390
78	33.86233	– 119.68783
79	33.87330	– 119.65504
80	33.88594	– 119.62617
81	33.88688	– 119.59423
82	33.88809	– 119.58278
83	33.89414	– 119.54861
84	33.90064	– 119.51936
85	33.90198	– 119.51609
86	33.90198	– 119.43311
87	33.90584	– 119.43311
88	33.90424	– 119.42422
89	33.90219	– 119.40730
90	33.90131	– 119.38373
91	33.90398	– 119.36333
92	33.90635	– 119.35345
93	33.91304	– 119.33280
94	33.91829	– 119.32206
95	33.48250	– 119.16874
96	33.44235	– 119.16797
97	33.40555	– 119.14878
98	33.39059	– 119.13283
99	33.36804	– 119.08891
100	33.36375	– 119.06803
101	33.36241	– 119.04812
102	33.36320	– 119.03670
103	33.36320	– 118.90879
104	33.47500	– 118.90879
105	33.48414	– 118.90712
106	33.52444	– 118.91492
107	33.53834	– 118.92271
108	33.58616	– 118.99540
109	33.59018	– 119.02374
110	33.58516	– 119.06745
111	33.58011	– 119.08521
112	33.54367	– 119.14460
113	33.51161	– 119.16367

[72 FR 29233, May 24, 2007]

APPENDIX B TO SUBPART G OF PART 922—MARINE RESERVE BOUNDARIES

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

B.1. RICHARDSON ROCK (SAN MIGUEL ISLAND) MARINE RESERVE

The Richardson Rock Marine Reserve (Richardson Rock) boundary is defined by the 3 nmi State boundary, the coordinates